

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-10 and 12-71 are presently active in this case, Claims 12-71 previously withdrawn from consideration by the Examiner.

In the outstanding Official Action, the priority documents were referenced; the Election Restriction requirement was made final; the IDS filed May 4, 2001 and refiled December 17, 2003 was objected to and not fully considered; Claims 1-2 and 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,669,748 to Knudsen, Jr.; and Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr. in view of U.S. Patent No. 5,401,229 to Otsuka et al.; and Claims 1-2 and 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr.

First, Applicants wish to thank Examiner Butler and SPE Walsh for the February 16, 2005 personal interview at which time the outstanding issues in this case were discussed. During the interview, Applicants presented amendments and arguments substantially as indicated in this response. No agreement was reached.

With regard to the Official Action's reference to the priority documents in paragraph 1 of the Official Action, Applicants respectfully note that this paragraph is not a formal acknowledgement of Applicants claim to priority. Applicants respectfully request that any forthcoming Official Action acknowledge (in the body or on the Office Action Summary) that the Notice of Priority filed August 27, 2001 and the certified priority documents submitted therewith have been received by the Patent Office.

With regard to the objection to the IDS filed May 4, 2001 and refiled December 17, 2003, Applicants respectfully submit that the requirements of 37 CFR 1.98(a)(1) have been

met. Specifically, Applicants' IDS filed May 4, 2001 included a PTO Form 1449 that listed JP2000-264337 and provided an English translation of the relevant portions thereof, and listed JP11-348985 and JP11-290551 references, each of which are discussed in the present specification. MPEP section 609 states,

The concise explanation may be *either separate from the specification or incorporated therein* with the page(s) and lines of the specification where it is incorporated being noted in the IDS . . . Submission of an *English language abstract of a reference may fulfill the requirement for a concise explanation . . . the concise explanation may indicate that a particular figure or paragraph of the patent or publication is relevant to the claimed invention*. It might be a simple statement pointing to the similarities between the item of information and the claimed invention. *It is permissible but not necessary to discuss differences between cited information and the claims*.

Based on this criteria provided in the MPEP, Applicants submit that the documents filed in the May 4, 2001, IDS satisfy the requirement for a statement of relevancy. However, Applicants note that the PTO Form 1449, filed May 4, 2001, did not include a detailed explanation of which paragraphs of the first foreign reference were translated, or a specific cite to portions of the present specification discussing the second and third cited references. Therefore, submitted herewith is a PTO Form 1449 citing all references cited in the May 4, 2001 IDS, but modified to provide the further details noted above. Applicants respectfully request consideration of these references and acknowledgement of the same by initialing the PTO Form 1449 attached hereto.

Turning now to the merits, Applicants' invention is directed to a method and system for managing racks used for packing, storing or delivering articles or products. As described in the Background of the Invention section of the present application, durable reusable racks have recently come into use for delivering new products and collecting old products from a delivery site. However, with the large volume replacement of electronic equipment such as copiers, management of the reusable racks has become difficult. For example, there are many cases where a new product of a copier is delivered to a customer and at the same time

the old product already owned by the customer but having a different shape than the new product is collected at the customer site. Thus the rack used for delivering the new product cannot be used for collecting the old product and two separate racks must be brought to the customer's site. This makes delivery difficult and less efficient. Applicants' invention is directed to addressing this problem.

Specifically, Applicants' Claim 1 recites a system for managing racks used for packing, storing or delivering articles, the racks being assembled from a plurality of rack components stocked at a management center and repeatedly used for packing storing or delivering articles. The system includes a specification unit configured to specify a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site and second rack components that are not required to assemble the first rack yet require to assemble a second rack used to pack a second article to be collected from the delivery site when the first article is delivered. Also recited is an instruction unit configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article, the instructions including directions for assembling the second rack using at least one of the first rack components and the second rack components specified by the specification unit.

Applicants respectfully submit that the Amendment filed May 27, 2004 explained in detail the specific limitations of the claimed invention that are not taught or suggested by Knudsen, Jr. Specifically, the May 27, 2004 Amendment explained that Knudsen, Jr., does not disclose a specification unit configured to specify ***a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site, and second rack components that are not required to assemble said first rack yet required to assemble a second rack used to pack a second article to be collected from the delivery site*** when the first article is delivered. In addition, the May 27, 2004 Amendment explained

that Knudsen, Jr., does not disclose an instruction unit configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article the *instructions including directions for assembling the second rack using at least one of the first rack components along with the second rack components specified by the specification unit*. Finally, the May 27, 2004 Amendment explained how the then pending Official Action either ignored certain limitations of the claimed invention or tersely cited to irrelevant portions of Knudsen, Jr.

Despite Applicants' clear explanation of the missing elements of the primary reference to Knudsen, Jr., the Official Action Merely repeats the rejection of the previous Official Action without any response to Applicant's arguments with respect to the specific limitations noted above. Indeed, the full extent of the Official Action's "Response to Amendments/Arguments" was,

"Knudsen, Jr. has items specified for the order for assembly in the rack. There is not a claim limitation for common components in both the first rack and the second rack."¹

With regard to the first sentence of this response, Applicants cannot understand how this statement rebuts the arguments on record that the specific limitations noted above are absent from Knudsen, Jr. because the "order of rack assembly" is not a feature of the claims. With regard to the second sentence of the response, this appears to be a response to Applicants general comment that "there is no discussion in Knudsen, Jr., about using a first storage rack for one product and a second storage rack for another product where the first storage rack and storage rack have at least one common component." However, this statement was only made to facilitate understanding of how the specific claim limitations argued are absent. Moreover, it is clear from the emphasized language quoted above that the

¹ Official Action at page 5, lines 8-9.

claim does in fact include “a claim limitation for common components in both the first rack and the second rack.”

Thus, Applicants maintain that Knudsen, Jr., does not teach the claimed limitations of “a specification unit configured to specify a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site, and second rack components that are not required to assemble said first rack yet required to assemble a second rack used to pack a second article to be collected from the delivery site when the first article is delivered” or “an instruction unit configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article the instructions including directions for assembling the second rack using at least one of the first rack components along with the second rack components specified by the specification unit.” Moreover, the outstanding Official Action has not explained how or where these limitations are taught in Knudsen, Jr. Without such a showing, a *prima facie case* of anticipation has not been made by the Official Action. More importantly, it is only with a more particular statement of the rejection in the Official Action that Applicants can provide a meaningful response.

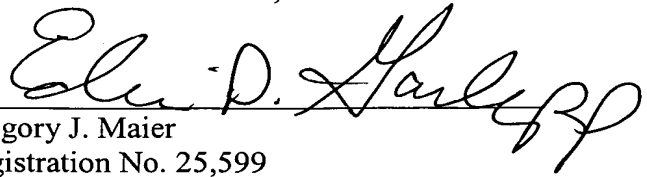
Thus, Applicants’ Claim 1 patentably defines over Knudsen, Jr. Moreover, the cited reference to Otsuka et al. does not correct the deficiencies of Knudsen, Jr. because Otsuka et al. merely discloses a rack assemble with components at the production site. Thus, Applicants’ Claim also patentably defines over the combination of Knudsen, Jr., and Otsuka et al. As Claims 2-10 depend from Claim 1, these claims also patentably define over the cited references.

Consequently, no further issues are believed to be outstanding in the present application, the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Application No. 09/848,764
Reply to Office Action of November 17, 2004

Respectfully submitted,

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Dept.: PP/JF

By: MJS/sb

OSMM&N File No. 207187US2

Serial No. NEW APPLICATION

In the matter of the Application of: Sakae ISHIKAWA, et al.

For: METHOD OF AND SYSTEM FOR MANAGING RACK OPERATION,
METHOD OF AND SYSTEM FOR MANAGING MULTISTAGE RACK,
ARTICLE CONVEYANCE AND STORAGE DEVICE, AND COMPUTER
PRODUCT

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ 111 pp. Specification 71 Claims/Drawings 38 Sheets (Formals)
and 4 pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☒ List of Inventors' Names and Addresses
- ☒ Utility Patent Application Transmittal ☐ CPA
- ☒ Notice of Priority ☐ Priority Doc
- ☒ Check for \$2,158.00 ☒ Dep. Acct. Order Form
- ☒ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☒ Information Disclosure Statement ☒ PTO-1449
- ☒ Cited References (4)
- ☐ Search Report
- ☐ Statement of Relevancy ☒ Cited Pending Applications 4
- ☒ IDS/Related/List of Related Cases ☐ Election Response
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☒ White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐
- ☐

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Due Date: 5/8/01